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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL
CATALDO, JULIAN
SANTIAGO, and SUSAN LYNN
HARVEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,
Defendant.

Case No.: 3:20-cv-04688-RS

**NOTICE RE: GOOGLE'S MIL NO. 8
(MEET AND CONFER
COMMUNICATIONS)**

The Honorable Richard Seeborg
Courtroom 3 – 17th Floor
Trial Date: August 18, 2025

1 Plaintiffs respectfully submit this update regarding the parties' efforts to resolve Google's
 2 motion *in limine* number 8, regarding certain meet-and-confer communications. Dkts. 526, 543.
 3 As Google's counsel stated during the July 30, 2025 pretrial conference, the parties have been
 4 discussing stipulations that may moot Google's motion.

5 The parties have continued to make progress on their negotiations since the pretrial
 6 conference, and Plaintiffs respectfully propose that the Court defer any ruling on that specific
 7 motion *in limine* while the parties continue to negotiate. Plaintiffs anticipate that any negotiations
 8 should conclude by the end of this week, and that the parties will be able to provide an update to
 9 the Court by the end of this week regarding whether this dispute has been resolved and, if not,
 10 what portions of the dispute remain.

11 Plaintiffs have proposed factual stipulations to Google that would moot this motion,
 12 establishing the facts Plaintiffs would otherwise seek to prove using counsel's written
 13 representations on Google's behalf. Given Google's statements during the pretrial conference and
 14 since, Plaintiffs are optimistic that the parties can reach an agreement to resolve this motion.

15 As examples of the progress made since the pretrial conference, Google has represented
 16 that:

- 17 1. David Monsees (a Google witness Plaintiffs will call in their case-in-chief) will not dispute
 18 that, at all relevant times, Google decided how "Activity controls" were described in the
 19 Privacy section of the Android Settings menu (PX-82);
- 20 2. Mr. Monsees will not dispute that, at all relevant times, the text accompanying "Activity
 21 controls" in the Android Settings menu has been: "Choose the activities and info you allow
 22 Google to save," provided that he is permitted both to testify that this item links to the full
 23 Activity Controls page and to read the full text of the Activity Controls page;
- 24 3. Google will stipulate that PX-403 includes true and accurate calculations of the number of
 25 active Google accounts excluding Dashers, Googlers, supervised accounts, and deleted
 26 accounts as reflected in an internal Google database on November 3, 2022; and
- 27 4. Google will stipulate that PX-404 contains true and accurate calculations of the number of
 28 active Google accounts excluding Googlers and deleted accounts but including Dashers
 and supervised accounts as reflected in an internal Google database on October 1, 2024.

27 The parties are continuing to discuss the scope of the above stipulations and proposed
 28 stipulations concerning other facts evidenced by counsel's written representations on Google's

1 behalf. In light of the ongoing negotiations, Plaintiffs respectfully ask the Court to defer its ruling
2 on this motion, and Plaintiffs will provide another update to the Court this Friday, August 8, 2025.

3
4 Dated: August 5, 2025

Respectfully submitted,

5 By: /s/ Mark Mao

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